

COMMISSIONERS REGULAR MEETING

March 15, 2017

YORK,ss

At a regular meeting of the County Commissioners of the County of York, begun and holden at the York County Government Building in Alfred, within and for the County of York, being held on Wednesday, March 15, 2017 A. D. at 4:30 P. M.

COMMISSIONERS PRESENT:

- Sallie Chandler
- Marston D. Lovell (excused)
- Richard R. Dutremble
- Michael J. Cote
- Richard Clark

County Manager Gregory Zinser was present at the meeting.

All present were invited to rise and salute the flag of the United States.

Call Meeting to Order

YOU ARE INVITED TO RISE AND SALUTE THE FLAG OF THE UNITED STATES

03-15-17

ITEM

1

PUBLIC COMMENT(S) ON ANY ITEM(S)

None

2

TO APPROVE THE MINUTES OF THE MARCH 1, 2017 MEETING

Commissioner Cote motioned to approve the minutes. Commissioner Clark made three corrections and moved the motion as amended. Commissioner Dutremble seconded the motion. Vote 4-0.

3

TO APPROVE TREASURER’S WARRANTS

- a. AP warrant #30117 (\$1,305,117.80)
- b. Health Insurance Premium waiver warrant #0317 (\$11,246.72)
- c. Payroll warrant #201709 (\$209,860.17)
- d. AP warrant #30817 (\$183,876.96)
- e. Payroll warrant #201710 (\$187,479.87)

Commissioner Dutremble motioned to approve all warrants.
Commissioner Dutremble removed his motion.
Commissioner Clark motioned to approve the warrant #30117 in the amount of \$1,305,117.80. Commissioner Dutremble seconded the motion. Vote 4-0.
Commissioner Clark motioned to approve warrant #0317 in the amount of \$11,246.72. Commissioner Dutremble seconded the motion. Vote 4-0.
Commissioner Clark motioned to approve warrant #201709 in the amount of \$209,860.17. Commissioner Cote seconded the motion. Vote 4-0.
Commissioner Clark motioned to approve warrant #30817 in the amount of \$183,876.96. Commissioner Dutremble seconded the motion. Vote 4-0.
Commissioner Clark motioned to approve warrant #201710 in the amount of \$187,479.87. Commissioner Dutremble seconded the motion. Vote 4-0.

4 TO HEAR ANY REPORTS OF THE COUNTY COMMISSIONERS

- a. Commissioner Cote to give update on MCCA meeting- Commissioner Cote informed all that Rosemary Kulow would be done on March 17, 2017 in her position as MCCA Director. MCCA has contracted the services of Charles Pray, a contract lobbyist, until the end of June to bring us through the legislative session. The Executive Board will work with Administrative Assistant, Lauren Haven, until then.

5 TO HEAR ANY REPORTS OF THE COUNTY MANAGER

No formal reports

6 OLD BUSINESS

None

7 NEW BUSINESS

- a. To hear tax abatement denial appeal (Bottaros of Lebanon ME)- Ron Bottaro and Ben Thompson were sworn in by the County Manager. Mr. Bottaro addressed the Board and stated that he reviewed his property tax records and thought his property was taxed at a high amount. He submitted previous years tax bills and neighbors' tax bills that showed his tax bills had doubled. Mr. Bottaro requested from the Town of Limerick a total abatement of \$121,260.00. The Selectmen granted a partial abatement of \$24,684.00 (decrease in property value). Mr. Bottaro submitted new information to the Board. Commissioner Cote clarified that they were discussing only one property -not the barn across the street. Mr. Bottaro agreed.
- Ben Thompson, assessor for the Town of Lebanon, distributed an additional handout. He explained that in October of 2014, Lebanon underwent a town-wide waterfront re-evaluation. Mr. Thompson continued that the burden of proof to show an additional abatement should be granted is on the property owner to show the value of his property should be \$383,000.00. Mr. Bottaro is appealing whether or not his evaluation basis is unjust. It is the Town's opinion that Mr. Bottaro has not proven that assessment is wrong. A partial abatement was granted because the Town opted to err in favor of the property owner with disputes over square footages. Commissioner Clark commented that the Commissioners received Mr. Bottaro's information last week but that he would appreciate getting the information

(from Mr. Thompson) earlier so that the Commissioners had time to process it. Mr. Bottaro addressed the Board again and stated that he agrees the house is nice but he has found a lot of problems with the house.

The County Manager explained to the Commissioners that they could table and discuss the appeal and come back at the next meeting and render a decision or go into executive session to discuss.

Commissioner Clark stated to the Assessor, Ben Thompson that Mr. Botaro's taxes roughly doubled and asked if anyone else's did? Mr. Thompson replied that, yes, there were others that did double.

Commissioner Clark motioned to enter into executive session pursuant to 1 M.R.S.A. § 405 (6) (E) consultation with legal counsel. Commissioner Dutremble seconded the motion. Vote 4-0.

Commissioner Clark motioned to come out of executive session. Commissioner Dutremble seconded the motion. Vote 4-0.

Commissioner Clark informed all that the Commissioners have decided to deny Mr. Bottaro's appeal. He added that the Commissioners will table this matter until the next Commissioners' meeting at which they will present Findings of Fact. He added that the Assessor for the Town of Lebanon has put together justification for his approach and increase in taxes. Commissioner Dutremble seconded the motion. Vote 4-0.

b. Introduce Linda Corliss to request delay of transfer of Wendy Binette from legal secretary to Victim Witness Advocate position in District Attorney's office- (memo from H.R. Director Corliss attached as record of minutes) County Manager Zinser spoke on behalf of H.R. Director, Linda Corliss, and reminded the Commissioners that at their February 15th meeting they approved the transfer of Wendy Binette in the D.A.'s office from Legal Secretary to Victim Witness Advocate. District Attorney Kathy Slattery is requesting a delay of this transfer until March 27th. Therefore, they are seeking a motion to amend the transfer. Commissioner Dutremble motioned to approve the request from D.A. Slattery to delay the transfer of Wendy Binette to March 27th. Commissioner Clark seconded the motion. Vote 4-0.

c. Seek Commissioner approval and obtain signatures on EMA's "All Hazards Emergency Operations Plan"- EMA Director, Art Cleaves, gave a brief synopsis of the "All Hazards Emergency Operations Plan" written by Dave Francoeur. He added that it has been rewritten to include local plans, County plans and MEMA plans. Therefore, it needed the Commissioners' approval and signatures. Commissioner Cote asked Director Cleaves if there were any real changes to the plan. Director Art Cleaves replied that there were not but that some of the Local Directors have changed.

Commissioner Cote motioned to approve York County EMA's "All Hazards Emergency Operations Plan". Commissioner Dutremble seconded the motion. Vote 4-0.

d. Discussion of Sheriff's letter to City of Biddeford- Commissioner Clark asked if Mr. Palminteri (Alfred Selectman) had decided not to come to the meeting. County Manager Greg Zinser replied that was correct and that he did draft a follow up letter to Alfred (selectmen) and sent it out to them as we are hoping to obtain additional information from the Town to see what they are seeking. Commissioner Clark replied that if they don't answer us, we need to let the other twenty nine (29) cities and towns know that they are getting reimbursement. He added that he doesn't like that there's a letter going around saying we aren't doing the right thing.

“We are willing to listen and you can’t have a one way conversation. We have been mischaracterized,” stated Commissioner Clark.

Commissioner Dutremble addressed the letter that the Sheriff had written to the Biddeford City Council regarding the contractual allowance for reimbursement of rescue call bills from the York County jail. He continued that he had one councilor suggest that he attend a councilor meeting to explain why the Sheriff wants more money. Commissioner Dutremble addressed the portion of the Sheriff’s letter (attached as record) where he states that *“recently two county commissioners organized a “jail working group to review the jail’s budget and to take an in-depth look at the fiscal operations-they concluded, as I did a year ago, that the jail’s funding level is insufficient.”* Commissioner Dutremble commented that was never said. He continued that the Jail Working Group’s job was to dissect everything to see what can be done. The Group was solely organized to see if we (the County) can cut some costs. Commissioner Dutremble informed all that currently there is lots of legislation in Augusta to see if jail costs can be reduced. He added that throwing money at an organization doesn’t always solve problems and that lots of avenues should be taken care of by the State. Commissioner Cote added that he totally agrees with Commissioner Dutremble’s statement as to why the Jail Working Group was formed and further clarified that it was not the two Commissioners who organized the group, it was the entire Board.

e. Contract Deputy program –County Manager Zinser explained that the Board discussed back last summer what is negotiated. The conversation resulted in the full cost being born by the Town, for their contract deputy to include the car. The costs for deputies range from \$83,000.00 to \$110,000.00 stated Mr. Zinser, depending on when they are hired and what benefits they take. He continued that the Sheriff and he have talked about other approaches that can be debated tonight. County Manager Zinser requested direction from the Board as to how they want the program handled. He stated that he will move forward with a full cost model as that is what the Board has directed. Commissioner Clark commented that he supports the Contract Deputy program but is concerned with what we are doing now- looking at each individual deputy and town. He feels this creates disparity between the towns for service. *“If a neighboring town was getting a deputy for less money it would bother me. I would rather every town pay the same rate as this brings some fairness to the program rather than creating resentments and questions about the project”*, stated Commissioner Clark. He continued that the Commissioners should at least look at something that rationalizes everyone getting the same services and paying the same price. County Manager Zinser asked in response to Commissioner Clark’s comments, whether or not the County continues to charge the full cost of the deputy as some towns want a particular deputy and that cost might be higher. He continued that if the County charges a simple contracted rate, it won’t be collecting the full amount for that deputy. He questioned where does the money not collected come from- the Sheriff’s budget? The County Manager stated there are other ways to bill. For example, pool all of the contract deputies together and assemble how many towns and costs and each town pays (if there were 10 towns for example) 1/10th of the cost. They cannot choose who goes to what town. What if a town wants an experienced deputy? Could they buy “time” i.e., today a Sergeant, tomorrow a deputy. County Manager Zinser stated that he doesn’t see an equitable way to collect the full amount for the contract deputies and needs guidance. Commissioner Dutremble suggested it might be feasible to average out the rates and if a town wants a specific person, then you say the average rate plus an additional amount. County Manager Zinser replied that he believes the problem is when the Sheriff

goes to towns he has to give a ballpark figure but the town wants an actual number. That approach (referring to Commissioner Dutrembles') is overly complicated. There are lots of variables that are difficult to control. Commissioner Dutremble stated that he was recently asked by a taxpayer from Arundel if there were any programs for Federal grants. The County Manager replied that there were the COPS grants but we did not get them. Commissioner Clark stated that he understands the issues and knows they are not easy to solve but feels we have to equalize these costs or we are going to continue to have happen what happened this year- a town who won't pay the cost (increase) for that year. He added that ultimately, deputies serve the County also. Commissioner Cote stated that the program is successful in his town because of the deputy who is working in the town. One of the reasons the Sheriff could re-sell the program is because of the deputy in the town. The community policing program is the reason for success. He added Deputy Shawn Sanborn as an example of a deputy that makes the program work. The Town (Waterboro) is willing to pay more for him. Commissioner Cote also stated that the fees/cost must be born by those municipalities who utilize the contract deputy program. He added that he thinks we should continue to do the program the same way we are doing right now.

Sheriff King addressed the Board and stated that, in his opinion, buying time flies in the face of community policing. Major Mitchell distributed a booklet explaining the contract deputy program (attached as record). Sheriff King stated that there is a huge disparity of costs charged from town to town. The Sheriff commented that he interprets the statute differently and asked if we could perhaps obtain an Opinion from the County attorney. Sheriff King continued that he finds it cumbersome to try and sell these contracts and referred to the situation in Limington. He said that it might make sense and is the preferred method for him to average out the contracts and every town participating in the program pay the marginal cost for the employee. The Sheriff cited that example of when he takes someone out of rotation to put them into a town and then hires someone, the costs of each are known. He continued that we are replacing the service and Arundel, for example, is compensating by paying the new employee. The new person is the marginal employee. If we could standardize this, the marginal employee or cost of, satisfies the Statute as it pays for the service. Commissioner Cote responded that he is not opposed to a different way of operating the program as long as we take a look at the spirit of the law and see that it has been satisfied as well as we can cover the costs. He added that he believes the program should be kept like it is until a plan is developed. Commissioner Dutremble stated that he knows what the Sheriff is saying, but, from a financial point of view, journal entries would have to be made for the contract deputy charged at lower rate, and that the deputy making more and on the general fund and not the contractual fund. This would be one difficulty. Chief Deputy Baran stated that they are diligently approaching every town (Newfield, Cornish, Hollis) and meeting with Arundel tonight. He added that they are looking to simplify this program. Sheriff King asked again if an Opinion from Attorney Libby could be sought to see if the marginal employee concept would keep us in compliance. Commissioner Clark addressed all and stated that we are not going to settle this tonight but we need to talk more in the future and possibly seek some input from communities. He continued that what we do now works but it seems to have some real problems that we should address.

f. Commissioners to approve article for Maine Municipal Employees Health Trust
Commissioner Clark read the following Resolution:

*“Resolution providing for participation in the **Maine Municipal Employees Health Trust.***

BE IT RESOLVED by the County Commissioners of the County of York, as follows:

*That the County of York, join with other participating municipal and quasi-municipal employers in a Multiple Employer Welfare Arrangement for the provision of employee health benefits, as authorized by 24-A M.R.S.A. §6601 et seq., said Arrangement to be know as the “**Maine Municipal Employees Health Trust**” (Health Trust); and for that purpose and in consideration for the mutual covenants and agreements among the participating employers, to enter into a Participation Agreement on behalf of the County of York and take whatever other actions may be necessary. The authority granted herein shall remain until revoked.”*

Commissioner Dutremble seconded the motion. Vote 4-0.

g. Grant permission to County Manager to enter into contracts with MMEHT and NCEU’s health insurance-Commissioner Clark authorized the County Manager to enter into and sign any agreements as necessary. Commissioner Cote seconded the motion. Vote 4-0.

h. Approval of bid award for Parsonsfield contract deputy vehicle-County Manager Zinser informed the Board that Quirk Ford was the lowest bidder at \$27,892.00. This does not include outfitting costs. *(copy of Bid Opening minutes attached as record of meeting)*

Commissioner Clark approved awarding of the bid to Quirk Ford at a cost of \$27,892.00. Commissioner Dutremble seconded the motion. Vote 4-0.

8 PUBLIC COMMENT(S) ON ANY ITEM(S)

Rachel Sherman addressed the Board and stated that she is glad we are looking at funding for the contract deputy program.

9 TO CONDUCT AN EXECUTIVE SESSION ON PERSONNEL ISSUES PURSUANT TO 1 M.R.S.A. §405 (6) (A), ACQUISITION OF REAL PROPERTY OR ECONOMIC DEVELOPMENT PURSUANT TO 1 M.R.S.A. § 405 (6) (C), LABOR NEGOTIATIONS PURSUANT TO 1 M.R.S.A. (D) AND CONSULTATION WITH LEGAL COUNSEL PURSUANT TO 1 M.R.S.A. § 405 (6) (E).

a. Executive session pursuant to 1 M.R.S.A. § 405 (6) (C), labor negotiations-

Commissioner Dutremble motioned to enter into executive session pursuant to 1 M.R.S.A. § 405 (6) (C), labor negotiations- Commissioner Cote seconded the motion. Vote 4-0.

Commissioner Clark motioned to come out of executive session. Vote 4-0.
No action taken.

10 ADJOURN

Commissioner Clark motioned to adjourn. Commissioner Cote seconded the motion. Vote 4-0. Meeting adjourned at 6:12 p.m.

